

**MINUTES OF THE MISSISSIPPI ENVIRONMENTAL QUALITY  
PERMIT BOARD, SPECIAL MEETING  
HELD IN JACKSON, MISSISSIPPI, ON FRIDAY, APRIL 23, 2021**

The Mississippi Environmental Quality Permit Board held a special meeting (in person) in the Commission Hearing Room of the Department of Environmental Quality, located at 515 East Amite Street, on Friday, April 23, 2021. The notice of the special meeting (in person) was posted at MDEQ on February 25, 2021, and is attached to the minutes. Jennifer Wittmann called the meeting to order at 8:00 a.m. with the following members and designated representatives present.

Jennifer Wittmann, Chair, for Joe Spraggins  
Les Herrington, Vice Chair  
Doug Mann for Dr. Sam Polles  
Chris Hawkins for Kay Whittington  
Chris McDonald for Andy Gipson  
David Dockery

**Mississippi State Port Authority  
Section 401 Water Quality Certification (No. WQC 2018036)  
Harrison County, Mississippi  
Continuation and Conclusion of Evidentiary Hearing**

The matter before the Permit Board was day two of the formal evidentiary hearing regarding the Permit Board's issuance of a Section 401 Water Quality Certification (No. WQC 2018036) to the Mississippi State Port Authority (MSPA) for a storage lot for equipment and cargo to support US Department of Defense shipments at its North Port Property located in Gulfport, Harrison County, Mississippi. Petitioners John Johnson, Glenn Cobb, Lattie Grubbs, The Anointed Temple AOH Church, and North Gulfport Land Trust (Petitioners) requested the hearing so the Permit Board could reconsider its action on August 13, 2019, to issue the certification to MSPA. The Permit Board held day one of the hearing on February 9, 2021.

J. Stevenson Ray, Esq. served as the Hearing Officer. The Mississippi Department of Environmental Quality (MDEQ) was represented by its General Counsel Roy Furrh and Senior Attorney Lisa Ouzts. MSPA was represented by Attorneys Brant Pettis, Susan Scaggs, and Bradley Ennis of the Balch & Bingham law firm. Petitioners were represented by Attorneys Desiree Hensley and Jordan Hughes with the University of Mississippi's Low Income Housing Clinic. MDEQ pre-filed direct testimony through the affidavit of Florance Bass and pre-filed rebuttal testimony through the affidavit of Florance Bass and Thomas Wallace. MSPA pre-filed direct testimony through the affidavits of Johnathan Daniels, John Webb, Paul Bradley, and Christina Shurley, and pre-filed rebuttal testimony through the affidavits of John Webb, Paul Bradley, Christina Shurley, and John Szabo. Petitioners pre-filed direct testimony through the affidavits of Steven H. Emerman, Earthea Nance, and David Padgett, and pre-filed rebuttal testimony through the affidavits of Steven H. Emerman and Earthea Nance. Both of MDEQ's witnesses and one of the Port Authority's witnesses, Mr. Daniels, testified on February 9, 2021.

The hearing resumed on April 23, 2021, with the testimony of the Port Authority's remaining witnesses—Mr. Bradley, Ms. Shurley, Mr. Webb, and Mr. Szabo—who testified through their pre-filed testimony affidavits and were tendered for cross-examination, questioning by the Permit Board, and redirect. Petitioners' witnesses—Dr. Emerman, Dr. Nance, and Dr. Padgett—testified through their pre-filed testimony affidavits and were tendered for cross-examination, questioning by the Permit Board, and redirect. Dr. Nance testified via Zoom to avoid travelling out-of-state during the COVID-19 pandemic.

After hearing closing arguments from Mr. Furrh, Ms. Scaggs, and Ms. Hensley, the Hearing Officer closed the hearing for Permit Board deliberation. Thereafter, Doug Mann moved for the Permit Board to go into closed session to discuss whether to go into executive session. Chris McDonald seconded the motion and the Permit Board voted to go into closed session. Jennifer Wittmann came back to state the Permit Board on motion by Doug Mann and seconded by Chris McDonald, voted to go into executive session to discuss potential litigation.

Thereafter, on motion by Chris McDonald and seconded by Les Herrington, the Permit Board voted to return to open session.

After discussion, Chris Hawkins moved to affirm the Permit Board's issuance of the Section 401 Water Quality Certification to the MSPA. Les Herrington seconded the motion and the Permit Board unanimously voted in favor of the motion.

### **MEETING ADJOURNED**

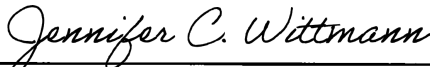
There being no further business to come before the Permit Board, Chair Jennifer Wittmann adjourned the meeting.

DATED at Jackson, Mississippi, this the 23<sup>rd</sup> day of April, 2021.



---

CHRISTOPHER WELLS  
EXECUTIVE DIRECTOR



---

JENNIFER WITTMANN  
PERMIT BOARD CHAIR

## Notice of Special Meeting

### Mississippi Environmental Quality Permit Board

Please take note that a special meeting of the Mississippi Environmental Quality Permit Board will be held beginning at 8:00 a.m. on Friday, April 23, 2021, in the Commission Hearing Room at 515 East Amite Street, Jackson, Mississippi. At the special meeting, the Permit Board will consider the resumption and conclusion of the evidentiary hearing regarding issuance of Clean Water Act Section 401 Water Quality Certification No. WQC2018036 to the Mississippi State Port Authority, Harrison County, Mississippi. The public is invited to attend the meeting; however, due to COVID-19 protocols, there is limited seating capacity in the Commission Hearing Room. For members of the public who wish to attend in person, seating is on a first-come-first-served basis. The public may also listen to the meeting telephonically by dialing 1-888-822-7517, entering passcode 7856957# and placing your telephone on mute during the meeting.

Posted: February 25, 2021

A handwritten signature in blue ink, appearing to read "By [unclear] [unclear]", is positioned above the typed name of the General Counsel.

General Counsel  
Mississippi Department of  
Environmental Quality